

Reject Notices: A valid LSR submitted by a CLEC travels from the applicable gateway or manual process through to the Service Order Processor (“SOP”). *See* OSS Declaration at ¶ 232. If the LSR submitted by the CLEC is missing information or contains incomplete, mismatched or unintelligible information, Qwest will, depending on the severity, issue a non-fatal or fatal error notice. *Id.* Fatal errors are rejected (though CLECs can correct them by submitting a new LSR). *Id.*

The commercial performance data show that Qwest has provided reject notices to CLECs on a timely basis in compliance with the applicable PID in each of the last four months in each of the application states. *See id.* at ¶¶ 236-250; Williams Declaration at ¶ 120. Moreover, in all but a few instances, Qwest’s response times have been significantly faster than the benchmarks in each of these states for the last 12 months. *See id.* The results of the Third Party Test corroborate the commercial data. KPMG found that Qwest representatives provide timely LSR (automated and manual) rejections in response to LSRs submitted via IMA-EDI and the IMA-GUI. *See Final Report* at 84-85, 88-89.

Completion Notices: Once a CLEC-requested LSR has been fully processed, provisioned and completed in the SOP, Qwest issues an LSR-level Work Completion Notice to the CLEC to indicate that its entire service order has been completed. *See* OSS Declaration at ¶ 251. Qwest’s Work Completion Notice is sometimes referred to as a Service Order Completion (“SOC”). *Id.*

The PID evaluating SOC timeliness requires Qwest to provide Work Completion Notices to CLECs with six hours (subject to the hours of gateway availability) on average for orders placed via IMA-EDI and the IMA-GUI. *See id.* at ¶ 252. The commercial performance data show that, in each of the application stations, Qwest has provided Work Completion Notices

to CLECs in compliance with this benchmark in each of the last four months for the IMA-GUI, and, with only minor exceptions, in each of the last four months for IMA-EDI. *See id.* at ¶¶ 253-257. The results of the Third Party Test confirm that Qwest is capable of returning Work Completion Notices to CLECs in a timely, nondiscriminatory manner. *See Final Report* at 93-94.

Jeopardies: Occasionally, Qwest is unable to meet the commitment date of a particular LSR or ASR. When this happens, Qwest generates and transmits to the CLEC a Jeopardy Notice indicating that the order is in jeopardy of being fulfilled by the committed due date. *See* OSS Declaration at ¶¶ 258-259. The PIDs applicable to Jeopardy Notices evaluate two separate measures: (1) the average number of days Qwest provides Jeopardy Notices in advance of the order due date (PO-8); and (2) the percentage of late orders for which Qwest provides such advance notice (PO-9). *See id.* at ¶ 260. Both PIDs are used to evaluate four product groups: Non-Designed Services; Unbundled Loops; LIS Trunks; and UNE-P POTS. *Id.* at ¶ 261.

Qwest met the standard for providing Jeopardy Notices under PO-8 (when jeopardy conditions occurred) for each of these product groups in each of the application states over the last four months with only minor exceptions. *See id.* at ¶¶ 262-300; Williams Declaration at ¶¶ 130-138. The few instances in which Qwest did not meet the PID are readily explained and do not affect Qwest's satisfaction of the requirements of Section 271.

In each of Colorado, Idaho, Iowa, Nebraska and North Dakota, Qwest met the PO-8 parity standard for both Unbundled Loops and UNE-P (when Jeopardy Notices were generated) in each of the last four months. *See* OSS Declaration at ¶¶ 266, 272, 276, 282, 286, 289, 292, 294, 297, 300; Williams Declaration at ¶ 130. Qwest also met the PO-8 parity standard for Non-Designed Services in Idaho, Iowa, Nebraska and North Dakota in each of the

last four months. *See* OSS Declaration at ¶¶ 274, 284, 290, 296; Williams Declaration at ¶ 130. The only state in which Qwest did not meet the parity standard for Non-Designed Services in all of the last four months was Colorado; but Qwest met the standard in the two most recent months (March and April) and the cause of its earlier performance misses is not attributable to its ability to issue timely jeopardy notices to CLECs. *See* OSS Declaration at ¶ 262-264; Williams Declaration at ¶¶ 131-132. This minor miss in Colorado does not foreclose a finding of overall compliance. *See Georgia/Louisiana 271 Order* at ¶ 141 n.499 (isolated performance misses are not indicative of systematic problems and thus do not foreclose a finding of overall compliance).

With few exceptions, Qwest also met the parity standard under PO-9 for Non-Designed Services, Unbundled Loops LIS Trunks and UNE-P in each of the last four months in each of the application states. *See* OSS Declaration at ¶ 265, 267-270, 273, 275, 277-280, 283, 285, 287, 289, 291, 292, 295, 296, 298. Qwest did not meet the parity standard in certain months for some of these services, but each miss is readily explainable, and, under the FCC's "totality of circumstances" approach, does not prevent a finding of overall compliance. *See Georgia/Louisiana 271 Order* at App. D ¶ 8. For instance, where there were performance disparities between Wholesale and Retail, they were not competitively significant. *See* OSS Declaration at ¶¶ 267-270, 273, 278-280. In other instances, the cause of the disparity has been corrected. *See id.* at ¶¶ 287, 298.

Qwest's overall commercial performance in connection with Jeopardy Notices is confirmed by the results of the Third Party Test. In its *Final Report*, KPMG found that Qwest provides timely Jeopardy Notices for Unbundled Loops. *See Final Report* at 91-92. KPMG was "unable to determine" whether the same is true for Resale and UNE-P because, during the evaluation period, no jeopardy notices had to be issued for those products. *See Final Report* at

91; OSS Declaration at ¶¶ 343-346. Of course, that no jeopardy notices had to be issued for those products indicates that Qwest was able to provision these products and services in a timely manner. Notably, when Jeopardy Notices were issued (for Unbundled Loops), Qwest's Retail and Wholesale performance was comparable. *See* OSS Declaration at ¶¶ 266-270, 276-280, 286-287, 292, 297-298.

Flow-Through Rate: Flow-through identifies whether orders placed by CLECs are able to pass through the SOP without manual intervention. *See* OSS Declaration at ¶ 301-303. Although flow-through rates can sometimes be useful as an indicator of a BOC's ability to process CLEC orders, the FCC has stated that "it is inappropriate to consider order flow-through rates the sole indicia of parity" where record evidence of a BOC's ability to process CLEC orders in a timely manner exists." *See New York 271 Order*, 15 FCC Rcd at 4034-35 ¶¶ 161-163; *see also Georgia/Louisiana 271 Order* at ¶ 143. Under this standard, Qwest's demonstrated ability to return order confirmation notices, reject notices, completion notices and jeopardies in a timely manner -- as described above -- can well be considered a more significant indicator of its performance than its flow-through rates.

In any case, Qwest's flow-through rates generally met the required PID benchmarks over the last four months. *See id.* at ¶¶ 309-331. This is not surprising given Qwest's strong performance in each of the other order-related categories discussed above. The PIDs require that Qwest flow-through a certain percentage of flow-through eligible orders for four different product groups -- Resale, Unbundled Loops, LNP and UNE-P -- for orders received via IMA-EDI and the IMA-GUI. *See id.* at ¶¶ 304-308.

With few exceptions, Qwest met the required PID benchmarks for each of these product groups over the last four months in each of the application states. *See id.* at ¶¶ 309-331;

Williams Declaration at ¶¶ 103-115. In the few instances in which Qwest did not meet the benchmark, the miss was an isolated occurrence, exceedingly minor, or was caused by CLEC-specific conduct, not by Qwest. See OSS Declaration at ¶¶ 316, 313, 317, 319, 322, 327, 329. The FCC has held that “a BOC is not accountable for orders that fail to flow-through due to [CLEC]-caused errors.” See, e.g., *Georgia/Louisiana 271 Order* at ¶ 145. Instances in which Qwest missed the benchmark but where CLEC-specific flow-through rates vary (and are high for certain CLECs) therefore should be discounted.

The strength of Qwest’s overall commercial performance in the area of flow-through is confirmed by the results of the Third Party Test. In its *Final Report*, KPMG found that Qwest’s flow-through documentation is complete, accurate, clear and available to the CLEC community. See *Final Report* at 157-158; OSS Declaration at ¶ 368-370. Although the vast majority of the test criteria pertaining to flow-through were “diagnostic,” Qwest ultimately recorded excellent flow-through rates ranging from 83.57% to 100% for flow-through-eligible Resale, Unbundled Loop, LNP and UNE-P LSRs received via IMA-EDI and the IMA-GUI. See *Final Report* at 158-168; OSS Declaration at ¶¶ 368-370. Qwest also satisfied all but one of the test criteria evaluating its ability to handle and process orders manually. See *Final Report* at 145-151. KPMG was “unable to determine” whether Qwest satisfied a single criterion, but the issued raised by this criterion was limited, and, given Qwest’s otherwise excellent performance, easily explainable. See *id.* at 145-146.

d) Provisioning

Qwest provides CLECs with access to the same or comparable provisioning-related functions that it uses in connection with its Retail service. See OSS Declaration at ¶¶ 378-380. These functions, which include LSR Status Updates, LSR Status Inquiries, View

Design Layout Record, and Loss and Completion Reports, are described in the OSS Declaration.

See id. at ¶¶ 382-397.

The results of the Third Party Test confirm that Qwest is capable of provisioning CLEC orders in an accurate, timely and nondiscriminatory manner. *See Final Report* at 182-202; OSS Declaration at ¶¶ 399-420. KPMG found that Qwest accurately and expeditiously completes the provisioning of fourteen distinct service elements in connection with Resale, UNE-Loop and UNE-P services. *See id.* Further, KPMG noted that Qwest's procedures, processes and the operational environment it uses to support coordinated provisioning with CLECs are fully functional. *See id.* at 233-251. KPMG also found that Qwest's CLEC provisioning processes and systems operate at parity with its Retail operations. *See id.* at 203-232. 57/

In the four minor instances in which Qwest did not satisfy a test requirement, other evidence supports a finding that Qwest nonetheless meets the requirements of Section 271. For example, Qwest did not satisfy the two test points evaluating whether it adheres to documented methods and procedure tasks when provisioning Unbundled Dark Fiber ("UDF") and EELs. *See Final Report* at 186, 187-188; OSS Declaration at ¶¶ 408-413. This resulted in one closed/unable to determine Exception (E3010) and one closed/unresolved Exception (E3104). *See id.* Yet KPMG also concluded that insufficient transactions were generated during the test to support a valid statistical analysis. *See id.* Furthermore, the test repeatedly demonstrated that Qwest adheres to documented methods and procedure tasks when provisioning

57/ Qwest's commercial performance with respect to provisioning is discussed in the context of specific products and services. *See* Section III(B), above. Generally, the commercial performance data show that Qwest provisions CLEC orders "in substantially the same time and manner as its provisions orders for its own retail customer." *See Georgia/Louisiana 271 Order* at ¶ 37.

other products. *See id.* The FCC has held that, in the absence of commercial data, it is sufficient to demonstrate that the BOC is “capable” of meeting a Section 271 criterion. *See New York 271 Order*, 15 FCC Rcd 4038-41 ¶¶ 166, 169. Qwest’s performance reasonably supports a conclusion that it is capable of adhering to documented methods and procedure tasks for UDF and EELs.

Qwest did not satisfy two other test points (resulting in E3086), because, during the test, Qwest did not meet PID OP-4C when provisioning non-dispatch Business POTS in the Eastern Region and non-dispatch UNE-P in the Western, Central and Eastern Regions. *See Final Report* at 196, 198-199; OSS Declaration at ¶¶ 414-415. But Qwest’s commercial performance results for OP-4C demonstrate that CLECs have a meaningful opportunity to compete. *See Simpson Resale Declaration* at Section II(B); Simpson/Stewart UNEs Declaration at Section II(B). Qwest’s actual commercial performance, which is “the most probative evidence that OSS functions are operationally ready,” constitutes sufficient evidence that Qwest satisfies this criterion.

e) Maintenance and Repair

Qwest’s maintenance and repair systems and processes permit CLECs to locate and diagnose trouble that their customers may experience when using the Qwest network. *See OSS Declaration* at ¶ 422. Qwest’s systems and processes allow CLECs to efficiently communicate any trouble to Qwest so that, if appropriate, Qwest can repair service for CLECs and their end user customers. *See id.* at ¶ 422, n.590. Qwest assures CLECs substantially the same access to its maintenance and repair systems and functions as it provides to itself through a streamlined process to diagnose and correct trouble. *See id.* at ¶ 423.

The results of the Third Party Test demonstrate that Qwest is capable of providing CLECs with maintenance and repair service in a nondiscriminatory manner. *See Final Report* at

319-337, 344-345, 351-355, 363-385, 390-406, 658-667; OSS Declaration at ¶¶ 458-485. 58/ KPMG found that Qwest's CEMR gateway functioned as stated in the pertinent documentation, that its functionality is comparable for both Retail and Wholesale operations, and that CEMR response times for peak, stress and normal loads meet expectations. *See Final Report* at 319; OSS Declaration at ¶ 461. KPMG also found that Qwest's EB-TA gateway worked as defined by the Joint Implementation/Interconnection Agreement. *See Final Report* at 345; OSS Declaration at ¶ 466. KPMG further found that Qwest's trouble report processing -- *i.e.*, the quality and number of repairs Qwest made in the course of the test for the pseudo-CLEC -- largely satisfied the test criteria.

Four exceptions pertaining to maintenance and repair were closed/unresolved in the course of the KPMG test, but none of these Exceptions identifies a significant shortcoming in Qwest's OSS. *See* OSS Declaration at ¶¶ 460, 470. For instance, although E3055 correctly noted that Qwest included correct closeout codes for repairs completed to POTS Resale and UNE-P services 88.5% of the time on retest (falling short of KPMG's self-derived 95% benchmark), that figure rises to 96.7% if a trouble ticket's narrative field is used in conjunction with the closeout code to identify the type and/or location of the trouble, thus satisfying the benchmark. *See Final Report* at 353-354; OSS Declaration at ¶¶ 471-475.

Similarly, E3058, which was closed unresolved, can easily be dismissed. E3058 noted that Qwest successfully repaired 92.28% of the POTS Resale, UNE-P and UNE-L circuits

58/ As with provisioning, Qwest's commercial performance with respect to most maintenance and repair activities is discussed in the context of specific products and services. *See* Section III.B., above. Suffice it to say here that the commercial data under the maintenance and repair-related PIDs that aggregate Qwest's performance for all products and services -- OP-2 and MR-2, both of which compare the percentage of Retail and Wholesale calls to the Interconnect Provisioning Center ("IRC") that are answered within 20 seconds -- show that

submitted for repair, falling short of KPMG's self-derived 95% benchmark. *See Final Report* at 355; OSS Declaration at ¶ 476. Under PID MR-7, however, Qwest has shown that CLECs have a meaningful opportunity to compete in each of the application states. *See* OSS Declaration at ¶¶ 477-478. Qwest's strong commercial performance justifies a finding that Qwest can successfully repair POTS Resale, UNE-P and UNE-L circuits in a timely and nondiscriminatory manner. *See id.* at ¶ 478, n.670.

E3053 and E3107, both of which were closed/unresolved, also do not affect Qwest's satisfaction of Section 271. *See id.* at ¶¶ 462-464; 479-480. E3053 was closed unresolved because Qwest correctly closed out nine of 10 (90%) DS1 circuit trouble codes; KPMG's benchmark was 95%. *See Final Report* at 354-355; OSS Declaration at ¶ 479. E3107 was closed/ unresolved because Qwest missed the 24-second benchmark for processing Non-Design Edit transactions through CEMR by an average of three seconds. *See Final Report* at 331-332; OSS Declaration at ¶ 462. In light of the relatively low volumes that Non-Design Edit transactions typically generate, the closed/unresolved status of E3107 is not inconsistent with a finding that Qwest satisfies Section 271. *See id.* at ¶¶ 463-464.

f) Billing

Qwest provides CLECs with nondiscriminatory access to its billing functions. *See* OSS Declaration at ¶ 478; *see also Georgia/Louisiana 271 Order* at ¶ 173. Qwest also provides CLECs with complete and accurate reports on their service usage in the form of a Daily Usage File. *See id.* A total of five PIDs are used to measure Qwest's ability to provide CLECs with complete and accurate billing information, as follows:

Qwest responds to CLEC calls to the IRC in a nondiscriminatory manner. *See* OSS Declaration at ¶¶ 445-450 (MR-2) 647-652 (OP-2).

1. BI-1: Qwest's ability to provide recorded usage records on a timely basis.
2. BI-2: Qwest's ability to deliver invoices to CLECs on a timely basis.
3. BI-3: Qwest's ability to render accurate bills.
4. BI-4: Qwest's ability to render complete bills.
5. PO-7: The timeliness with which Qwest makes electronic billing completion notices available to CLECs.

See OSS Declaration at ¶ 528; Williams Declaration at ¶¶ 147-70.

Qwest's performance under each of these PIDs has been strong. For instance, with only minor exception, Qwest provided CLECs with daily usage records on a timely basis in each of the application states over the last four months. See OSS Declaration at ¶¶ 532-536; Williams Declaration at ¶ 148. Qwest also delivered industry-standard electronically transmitted invoices to CLECs at parity with its Retail operations in each of these states over the last four months. See OSS Declaration at ¶ 539-543; Williams Declaration at ¶ 149. Additionally, Qwest delivered billing completion notices to CLECs via IMA-GUI at parity or better in each of these states over the last four months (as of this writing, no CLECs have elected to receive such notices via IMA-EDI). See OSS Declaration at ¶¶ 572-576; Williams Declaration at ¶ 169-170.

With a few exceptions, Qwest also rendered accurate bills to CLECs in each of the application states over the last four months. See OSS Declaration at ¶¶ 546-554; Williams Declaration at ¶¶ 151-153. Among the reasons for Qwest's strong performance was that the company undertook an extensive and systematic analysis of its billing system in the Fall of 2001 to ensure that the rates loaded into its billing system corresponded to the published rates in Qwest's tariffs and interconnection agreements. See OSS Declaration at ¶ 545. On the few occasions on which Qwest did not meet the parity standard in a given state, Qwest missed the

standard either by a narrow margin or because of a reporting error that has since been corrected. *See id.* at ¶¶ 548-553. These misses were limited, and, overall, the commercial data capturing Qwest's ability to render accurate bills to CLECs over the last four months in Colorado, Idaho, Idaho, Nebraska and North Dakota is strong.

Qwest also has shown that it is capable of rendering complete and timely bills to CLECs. *See id.* at ¶¶ 558-568. In Nebraska, Qwest met the parity standard for billing accuracy in each of the past three months. *See id.* at ¶ 566. ^{59/} In Idaho, Qwest met the parity standard in two of the past four months and missed the parity standard by less than three percent in one month and less than two percent in another. *See id.* at ¶ 561. Qwest achieved similar performance levels in North Dakota, where it met or exceeded parity in two of the past three months and missed the parity standard in the remaining month by barely over one percent. *See id.* at ¶ 567. Qwest met the parity standard in one of the past four months in Colorado, and in one of the past three months in Iowa, but, again, in the months that Qwest missed the standard, it did so by a relatively small margin. *See id.* at ¶¶ 558, 563.

Furthermore, in the months Qwest did not meet the parity standard, Qwest identified the reason for the discrepancy and corrected it. *See id.* at ¶¶ 558-568. CLECs today can – and do – receive complete and timely bills from Qwest. Qwest acknowledges the importance of providing CLECs with bills that include all charges associated with service orders on the first available bill but submits that the number of orders not included until a subsequent

^{59/} For Qwest's Eastern region states, which include Iowa, Nebraska, and North Dakota, commercial performance results for bill completeness are available for February, March and April, but not January 2002. As part of its ongoing effort to produce accurate performance reports, Qwest discovered certain reporting errors limited to BI-4A that it was able to correct prior to this filing. *See* OSS Declaration at ¶ 556. Although Qwest was able to re-run and correct these BI-4A results, Qwest was able to produce revised results only for February, March

bill are of minimal impact to CLECs. *See id.* at ¶ 557. CLECs have the ability to determine whether their end-user service orders have been completed through work completion notices and loss and completion reports, and they are rarely negatively affected if a few service orders appear on subsequent bills. *See id.*

Qwest's billing systems were subject to extensive and exhaustive testing and retesting by KPMG. *See Final Report* at 407-419, 420-434, 435-454, 455-480, 668-678; OSS Declaration at ¶ 577. Overall, the Third Party Test demonstrated that Qwest can provide timely and accurate billing information to CLECs on a nondiscriminatory basis. *See Final Report* at ¶¶ 413-418, 423-433, 441-454, 457-480, 671-678; OSS Declaration at ¶ 578-602. Qwest met all six of the test criteria evaluating whether usage record types, including access records, un-rated records and credit records, appear accurately on the DUF. *See Final Report* at ¶¶ 413-418; OSS Declaration at ¶ 578. Qwest also satisfied nearly all of the test criteria examining the processes and related documentation that Qwest uses to create and transmit DUF files, accept DUF returns, and investigate potential errors. *See Final Report* at ¶¶ 423-433; OSS Declaration at ¶ 584. The two test criteria that KPMG was "unable to determine" pertained to the CCUR, an automated process for correcting usage data that, to date, no CLEC has signed up to use. *See Final Report* at 432-433; OSS Declaration at ¶ 586-587. Consequently, while KPMG verified the existence of CCUR, it was unable to evaluate its use. *See id.* Clearly, this should not prevent a finding of compliance.

KPMG also evaluated Qwest's ability to bill usage accurately on the appropriate bill, Qwest's operational processes in connection with its production and distribution of Wholesale bills, and the processes and documentation Qwest has developed and employed to

and April, not January, in the Eastern region states. *See id.* at ¶ 556, n.787. Notably, none of the

support resellers and CLECs with billing-related claims, inquiries, problems and issues. *See Final Report* at 435-454, 457-480, 671-678; OSS Declaration at 588, 591, 600. Qwest satisfied all but five of the test criteria pertaining to these tests, and not a single Observation or Exception was closed/unresolved or unable to determine (KPMG was “unable to determine” five test criteria because the circumstances necessary to evaluate them did not arise in the course of the test). *See* OSS Declaration at *Final Report* at 457-480, 671-678 ; OSS Declaration at ¶¶ 589, 592-599, 601-602. In short, the results of the Third Party Test confirm that Qwest’s billing systems meet the requirements of Section 271.

D. Change Management and Technical Assistance

Qwest believes it has in place the most comprehensive, inclusive, and forward-looking change management plan in the nation. *See* Declaration of Dana L. Filip on Change Management, (“CMP Declaration”), Att. 5, App. A, Tab 11, at ¶ 10 and Section III. As the ACC Staff observed, “[T]here is no question . . . that Qwest has, with extensive assistance by the CLECs, developed one of the most comprehensive and effective Change Management Processes in existence in the telephone industry today.” ^{60/} That plan is the product of a collaborative redesign process, begun last July, conducted jointly by Qwest and CLECs. ^{61/} All significant

reporting discrepancies Qwest discovered and corrected were CLEC-affecting. *See id.* at ¶ 556.

^{60/} ACC Staff Supplemental Report on Change Management (May 7, 2002), CMP Declaration, Exh. DLF-CMP-10. *See also* Cap Gemini Ernst & Young, Qwest Change Management Process Redesign Evaluation: Version 5.0 (May 1, 2002) at 42, CMP Declaration, Exh. DLF-CMP-9 (“[w]hen the redesign effort is completed, Qwest’s Change Management Process will go far beyond any other such process in the local telecommunications industry,” citing comment by Allegiance Telecom that Qwest’s CMP is “more encompassing and responsive” than those of other ILECs because it includes product and process issues as well as systems issues); CMP Declaration, § IV(C).

^{61/} The procedures governing the redesigned change management process are set forth in Qwest’s “Change Management Process for Local Services,” hereafter referred to as the “CMP

provisions have been agreed upon and implemented, including procedures governing changes to Qwest's products and processes. CMP Declaration, Section V(D), ¶ 144. Qwest's change management process is identical throughout its 14-state region. CMP Declaration, ¶ 21.

As discussed below, Qwest's current change management process (CMP) satisfies each of the factors the Commission considers in evaluating a BOC's change management plan.⁶² They also are addressed in the CMP Declaration at Section V (accessibility of CMP information, CLEC input, dispute resolution, and pattern of compliance), and in the OSS Declaration at Section VIII (technical assistance, EDI documentation, and interface testing).

1. Accessibility and organization of information relating to the change management process. Qwest provides easy access to well-organized information regarding its change management process, both through its wholesale website and through frequent communications with CLECs via e-mail, the notifications process, and otherwise. *See* CMP Declaration at Sections III(C)(3), V(A); <http://www.qwest.com/wholesale/cmp/index.html>. The contents of the CMP website were negotiated by CLECs and Qwest in the redesign session and are specified in the CMP Framework at Section 3.3.

Framework." The CMP Framework is included as CMP Declaration, Exhibit DLF-CMP-2, and may be found on Qwest's wholesale website at <http://www.qwest.com/wholesale/cmp/whatiscmp>. The current status of agreements reached on the redesign of the CMP Framework is reflected in a redlined version of the CMP Framework, which is continuously updated to reflect portions that have been agreed upon and included in the text. The current version of this document, the "Interim Draft Master Redlined CLEC-Qwest CMP Redesign Framework," is included as CMP Declaration, Exhibit DLF-CMP-3, and may be found on Qwest's wholesale website at <http://www.Qwest.com/wholesale/cmp/redesign.html>, under "Redesign Documentation."

⁶² *Georgia/Louisiana 271 Order*, App. D ¶¶ 40, 42. These include the five factors specifically identified at *id.*, App. D, ¶ 42, as well as the adequacy of technical assistance provided by the BOC to CLECs using its OSS and the demonstration of a pattern of compliance with a BOC's change management procedures over time.

Exhibit DLF-CMP-7 to the CMP Declaration contains screenshots of the CMP website pages as they appeared on June 10, 2002. The Qwest wholesale website describes the CMP process, shows CLECs how to participate, provides forms and instructions, provides up-to-date information about change requests under consideration, includes CMP meeting agendas and minutes, and makes new documentation available for review and comment online the by CLECs.

The Third Party Test has confirmed the accessibility and completeness of information about Qwest's change management process. For OSS systems, KPMG found that "[t]he change management process is in place and documented," that it "has a framework to evaluate, categorize, and prioritize proposed changes," and that "documentation regarding proposed changes is distributed to wholesale customers." Final Report at 514-19. As the test, the CMP Framework, and Qwest's wholesale website demonstrate, Qwest's CMP is "clearly organized and readily accessible to competing carriers." *Georgia/Louisiana 271 Order*, App. D, ¶ 42.

2. CLEC input into the design and continued operation of the change management process. Qwest's change management process, and the redesign process that generated the current CMP, demonstrate that competing carriers have had and will continue to have "substantial input in the design and continued operation" of Qwest's CMP. *Georgia/Louisiana 271 Order*, App. D ¶ 42.

As noted above, the current Qwest change management plan is the product of an intense, collaborative effort by Qwest and CLECs to redesign Qwest's change management procedures.⁶³ These "redesign" meetings have taken place generally four days per month,

⁶³ The redesign meetings are independent of the joint CLEC/Qwest meetings conducted to process change requests, which have been going on since 1999. CMP Declaration, ¶4 & n.5. This joint forum manages changes related to Qwest's products, processes, and OSS interfaces

beginning last July. The meeting agendas and minutes are posted on the website. KPMG representatives have attended many of the redesign sessions, as have members of the Colorado PUC staff. *Id.*, ¶ 14; McDaniel Declaration, ¶¶ 5, 73. The product of this collaborative effort is the current Qwest Change Management Plan, or the “CMP Framework.” *Id.*, Exh. DLF-CMP-2.

The Qwest CMP provides for substantial CLEC input throughout the lifecycle of both CLEC and Qwest initiated change requests (“CRs”). *See generally* CMP Declaration at ¶¶ 131-34.. Qwest and CLECs meet on a regular basis -- two days a month -- to discuss, consider, and modify CRs and to discuss Qwest’s proposed responses to CRs. One day is devoted to OSS interface CRs, one day to product and process CRs. *Id.*, ¶¶ 4 & n.9, 131-32. CLECs and Qwest also meet to prioritize the accepted OSS interface change requests in advance of each new release. *Id.* at ¶¶ 5, 133, 166. Qwest and each CLEC have one vote apiece in the prioritization process. *Id.* at ¶ 76. The prioritization process is described in detail in the CMP Declaration, Section III(C)(13).

CLECs also have the opportunity to review and submit comments on draft technical specifications for the introduction of new or changed systems interfaces and to participate in “walk-throughs” of those specifications with Qwest subject matter experts, all at specified intervals prior to release. CMP Declaration at Sections III(C)(10), (11); CMP Framework at Sections 7, 8.. CLECs also are able to review and comment on draft documentation for new products and technical publications, via a web-based comment tool. OSS

that support the five categories of OSS functionality. *Id.*. The change management process in effect until the fall of 2001 was called the Co-Provider Industry Change Management Process or “CICMP.” *Id.* at ¶ 4 n.5. Qwest does not base this Application upon that prior plan, but relies instead upon its development of and performance under the current Qwest change management process – as documented in the CMP Framework (CMP Declaration, Exh. DLF-CMP-2). This brief, as well as the CMP Declaration, focus on the current plan, and the collaborative redesign process through which it was developed.

Declaration at ¶ 613 & n.887; CMP Declaration, Exh. DLF-CMP-7. In addition to providing for CLEC input into the processing of CRs and the finalization of technical specifications, the CMP Framework includes, for example, notification intervals for changes to interfaces, production support procedures for handling trouble tickets, and escalation and dispute resolution procedures, all of which promote CLEC involvement in the management of changes to Qwest's OSS interfaces, products, and processes. CMP Declaration at Sections III(11), (15), and (17); CMP Framework at Sections 8, 12, and 14.

3. *Procedures for the timely resolution of change management disputes.* Qwest has in place procedures for the timely resolution of change management disputes, both with respect to the change management process itself and with respect to the CMP redesign process. ^{64/} These escalation and dispute resolution procedures were developed jointly by CLECs and Qwest in the redesign process.

For the change management process itself, the streamlined escalation process enables CLECs to raise a disputed issue to a single point of contact in the Qwest organization, and to obtain a final binding statement of position from that contact within seven days for a disputed change request and within 14 days for other escalations. CMP Declaration at ¶¶ 91-92; CMP Framework at Section 13.2. A CLEC or Qwest can bypass the escalation process and immediately invoke the dispute resolution process. Disputes may be submitted to a third party arbitrator, if the parties agree, or to an appropriate regulatory agency. CMP Declaration at ¶ 93.; CMP Framework at Section 14. To date, the escalation procedures have been invoked a total of

^{64/} CMP Declaration at §V(C). See CMP Framework at § 13 (escalation); § 14 (dispute resolution); CMP Re-design Procedures for Voting and the Impasse Resolution Process, CMP Declaration, Exh. DLF-CMP-6.

six times; no change management issue has yet gone to dispute resolution under the new CMP Framework. CMP Declaration at Section 135-37.

Separate dispute resolution procedures apply to the redesign process. The parties are required to negotiate in good faith and make every effort to reach consensus before invoking the dispute resolution procedures. *See* CMP Declaration at Section 138-41; CMP Re-design Procedures for Voting and the Impasse Resolution Process,; CMP Declaration, Exh. DLF-CMP-6. To date, only one redesign issue has gone to impasse, and it was quickly resolved by the CPUC. CMP Declaration at ¶ 139. No other issues in the redesign process are likely to go to dispute resolution. *Id.* at ¶ 140.

4. Availability of a stable testing environment that mirrors production. Since 1998, Qwest has provided to CLECs a test environment for testing and becoming certified to use Qwest's IMA-EDI interface. This "Interoperability" environment validates test transactions against actual production data for pre-order and order transactions, using real production legacy systems. Transactions are submitted into a test system that is a copy of IMA and is physically separate from the production database. OSS Declaration at ¶¶ 711-16.

On August 1, 2001, Qwest implemented another test environment, the stand-alone test environment (SATE), partly in response to concerns raised by KPMG and CLECs regarding the Interoperability environment -- in particular, regarding the desire for CLECs to use their own account data to test in Interoperability. OSS Declaration at ¶¶ 717-25; Final Report at 580. In SATE, Qwest provides CLECs with account data and scenario information (test decks) that can be submitted into the test environment, which returns pre-defined test scenarios that mimic production responses. OSS Declaration at ¶¶ 718-20. CLECs may test in either or both of the

Interoperability and SATE environments, which offer CLECs different options and capabilities.

Id. at ¶ 709.

Both the Interoperability Environment and SATE are stable because Qwest has undertaken to make no changes (other than bug fixes) during the 30-day period prior to implementation of a major release. *Id.* at ¶ 732. The Interoperability environment mirrors production because it uses a copy of the production EDI software, and because its test responses are generated from production legacy systems. *Id.* at ¶ 734. SATE mirrors production because it allows CLECs to run practice transactions that generate responses that mimic production without actually using production data or production systems. *Id.* at ¶ 735. To further enhance SATE, Qwest now provides automated post-order responses (since January 26, 2002), and effective May 20, 2002, has implemented test flow-through components and a test service order processor, even though the FCC has not required these capabilities under Section 271. *Id.* at ¶¶ 723-25; *see Texas Section 271 Order*, 15 FCC Rcd at 18421 (¶ 138).

The commercial data demonstrate the adequacy of Qwest's test environments. As of May 31, 2002, 26 CLECs had tested and gone into production using Qwest's Interoperability environment. OSS Declaration at ¶ 740 and Confidential Exh. LN-OSS-61. As of May 31, 2002, five CLECs had successfully completed testing and had achieved production status for EDI implementation of pre-ordering capabilities, with five additional CLECs testing and achieving production status through a service bureau. OSS Declaration at ¶ 740 and Confidential Exh. LN-OSS-61. As the Commission concluded in approving SBC's Texas Section 271 application, evidence that CLECs are able to test and achieve production strongly supports a conclusion of the adequacy of the test environment. *Texas Section 271 Order*, 15 FCC Rcd at

18420 (¶ 134.) Moreover, here, many more than the three CLECs cited in the SBC Texas case have tested successfully, both in Interoperability and in SATE. OSS Declaration at ¶ 740.

One PID is relevant to SATE. PO-19 “evaluates Qwest’s ability to provide accurate production-like tests to CLECs for testing both new releases and between releases in the SATE environment.” ROC PID 5.0 at 25 (PO-19). A 95% benchmark took effect in the ROC states in March. *Id.* Qwest satisfied this measure in the last three months ending with April, and successfully executed 94.57 percent of test transactions in January (almost meeting the 95 percent measure). OSS Declaration at ¶ 741; Regional Performance Data at 74 (PO-19).

Qwest makes both the Interoperability environment and SATE available for an extended testing period. CLECs may test a particular EDI release in either environment for 30 days prior to and, on average, six months after the introduction of the next release. OSS Declaration at ¶ 732; CMP Declaration at ¶ 32. The FCC has cited this practice of “versioning” with approval, because versioning “ensures that system changes and enhancements do not adversely affect a carrier’s ability to access the BOC’s OSS.” *Massachusetts 271 Order* at ¶ 107, quoting *Texas Section 271 Order*, 15 FCC Rcd at 18408 (¶115).

KPMG (with pseudo-CLEC Hewlett-Packard) evaluated Qwest’s EDI interface testing environments and documentation in Test 24.6. KPMG found that Qwest had satisfied the vast majority of test criteria for interface testing. *Final Report* at 575; OSS Declaration at ¶¶ 743-49. For example, KPMG concluded that “[C]arrier-to-carrier-test environments are available and segregated from Qwest production and development environments.” *Final Report* at 581-82.

The only EDI interface evaluation criterion that KPMG found unsatisfied in the *Final Report* is whether “a functional test environment is made available to customers for all

supported interfaces.”^{65/} Related to this finding are two closed unresolved exceptions, E3077 and E3095. As discussed below and in the OSS Declaration, the issues raised by KPMG are not significant under Section 271.^{66/}

In one of the exceptions, KPMG noted that “SATE transactions are manually generated, and that the environment does not support flow-through transactions.” Final Report at 580-581, citing Exception 3077. Qwest has addressed both of these issues, through the implementation of automated responses (VICKI) in January 2002 and through the implementation of flow-through capability and a test service order processor in May 2002. OSS Decl. at ¶¶ 723-25. While KPMG may not have had an opportunity to evaluate fully these additional features of SATE, neither is required under FCC precedent; thus, no Section 271 issues arise. *See, e.g., Texas 271 Order*, 15 FCC Rcd at 18421-22 (¶¶ 136, 138) (flow-through testing capability not required).

In its closed unresolved Exception 3077, KPMG also commented that “the data contained within the order responses is not consistent and may not mirror the data that would be found in production responses.”^{67/} The introduction of flow-through capability should address this concern. *See* OSS Declaration at ¶¶ 756-64. In any event, to the extent responses differ from production, this is intended, and does not affect a CLEC’s ability to test its code. *Id.* at ¶ 725. Any known differences between SATE and production are noted, published, and

^{65/} Evaluation Criterion 24.6-1-8; Final Report at 580-581.

^{66/} KPMG also issued a closed unresolved exception regarding Qwest’s maintenance and repair interface, EB-TA. As discussed in the OSS Declaration, that exception (E3109) does not raise Section 271 issues because the FCC does not require BOCs to provide application-to-application maintenance and repair interfaces, and thus could not require a “stable test environment that mirrors production” for such an interface. OSS Declaration at ¶¶ 770-78.

^{67/} Att. 5, App. G, KPMG Second Response on E3077, January 24, 2002, at 3. *See also* OSS Declaration at ¶ 761.

discussed with CLECs. *Id.* at ¶ 762. Finally, if a CLEC wishes to add a particular response to SATE, Qwest will add it within two weeks. *Id.* at ¶718. SATE thus satisfies the Section 271 “mirroring production” requirement. As the Commission has stated, the responses received in testing need not be “identical” to those received in production, so long as they perform “the same key functions,” which SATE clearly does. *Texas 271 Order*, 15 FCC Rcd at 18421-22 (¶ 138); OSS Declaration at ¶ 764.

KPMG also took issue with the range of products available for testing in SATE. Final Report at 580-81, citing Exception 3095. For a number of reasons, this is not an issue under Section 271. The Interoperability Environment is available for testing any Qwest product offered in production. OSS Declaration at ¶ 712. SATE was developed to include testing of all resale and UNE products that CLECs were ordering through IMA-EDI. *Id.* at ¶ 766. Qwest also continues to monitor and add products to SATE in response to CLEC expressions of interest. *Id.* at ¶ 721. If CLECs want Qwest to add another product to SATE, they may use the CMP process to request that change. *Id.* at ¶ 766. Qwest has introduced 23 such CRs, which have been prioritized by CLECs and Qwest, with two prioritized high. *Id.* at ¶¶ 767-68. In addition, an interface testing Users’ Group, composed of representatives of CLECs, Qwest, HP, and KPMG, meets monthly as part of the CMP Forum. It gives CLECs the opportunity to provide regular feedback to Qwest and to work jointly with Qwest to develop new SATE CRs and otherwise improve Qwest’s interface testing environments. *Id.* at ¶ 720.

Hewlett-Packard’s (“HP’s”) comprehensive evaluation of SATE in Arizona provides additional support for the conclusion that SATE is adequate to meet the Section 271 requirements. Unlike KPMG, HP conducted transaction testing to “assess[] the adequacy of Qwest’s IMA-EDI SATE to facilitate CLECs in testing their EDI interfaces and to determine to

what degree” SATE mirrors production. HP SATE Summary Evaluation Report for Qwest IMA-EDI, Final Release, version 2.0, December 21, 2001, at Section 6.1 (OSS Declaration, Exh. LN-OSS-73). After completing this comprehensive evaluation, HP concluded “SATE is adequate to support Qwest CLEC Testing in the State of Arizona, given the current level of CLEC usage.” *Id.* at Section 1.1. It is also adequate for the rest of the 14-state region because SATE is the same test environment for the entire region and has been successfully used by at least ten CLECs on a region-wide basis. OSS Declaration at ¶¶ 750.

In sum, nothing in the KPMG test results undermine the conclusion that each of Qwest’s interface testing environments independently satisfies the Commission’s requirement that a BOC provide CLECs a “stable test environment that mirrors production.” *Georgia/Louisiana 271 Order*, App. D, ¶ 42.

5. Efficacy of the documentation used by CLECs to build an EDI interface.

Qwest provides CLECs with assistance in developing an EDI interface in the following ways by (1) providing CLECs with a well-documented EDI development process; (2) maintaining a CLEC-specific IMA-EDI development team; (3) making available detailed interface design specifications and other documentation; (4) working with CLECs on EDI development through the change management process; (5) providing technical assistance and other support. OSS Declaration at ¶¶ 675-91.

As of May 31, 2002, 29 CLECs had been certified to use Qwest’s EDI and gone into production. *Id.* at ¶ 692 and Confidential Exh. LN-OSS-61. One PID, PO-16, is relevant to the adequacy of Qwest’s documentation. It measures the timeliness of Qwest’s release notifications for specified OSS interfaces, including EDI. OSS Declaration at ¶ 693; ROC PID 5.0 at 23-24. Qwest satisfied this PID in three of last four months ending with April. Effective

April 1, 2002, Qwest has also made significant changes to its process for tracking and issuing release notifications, including the designation of a product manager to track dates, which has resulted in perfect performance for this PID in April and in May. OSS Declaration at ¶ 694; CMP Declaration at ¶ 163. The results of the Third Party Test also confirm that Qwest has satisfied this aspect of the FCC's Section 271 requirements. *See* OSS Declaration at ¶¶ 696-703. Qwest satisfied all applicable tests related to EDI documentation. *Id.*

The extensive nature of Qwest's EDI documentation, the commercial data showing successful implementation of CLEC EDI interfaces, and the results of the Third Party Test, all demonstrate the "efficacy of Qwest's EDI documentation" in enabling CLECs to build an electronic gateway. *Georgia/Louisiana 271 Order*, App. D, ¶¶ 40-42.

6. Technical assistance. As part of its change management analysis, the FCC evaluates whether the BOC "is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them." *Georgia/Louisiana 271 Order*, App. D ¶ 40, *quoting New York Section 271 Order*, 15 FCC Rcd at 3999-4000, ¶102. Qwest fully satisfies this test.

Qwest offers CLECs an extensive array of training and assistance, including personalized guidance when establishing OSS interoperability (*i.e.*, a CLEC-specific implementation team); access to wholesale website information, including a lengthy Product Catalog ("PCAT"); instructor-led classroom training on multiple OSS-related topics; web-based interactive training; multiple handbooks; and widely available Help Desk support for troubleshooting and problem-solving. OSS Declaration at ¶¶ 605-73. Qwest also maintains an extensive account establishment and management team to assist CLECs in setting up and maintaining their relationship with Qwest. *Id.* at ¶ 624 and Exh. CLD-OSS-36.

Qwest has met or exceeded the benchmark for the PID that is relevant to technical assistance for the last four months ending in April. OP-2 evaluates the timeliness with which Qwest responds to CLEC calls placed to the Wholesale Markets Help Desk. OSS Declaration at ¶¶ 647-52; ROC PID 5.0 at 26. The Third Party Test also evaluated Qwest's technical assistance and found, with one minor exception, that all relevant test criteria were satisfied. 68/

7. *Pattern of compliance with the change management process.* Qwest has developed a strong record of compliance with its change management plan (as embodied in the CMP Framework). 69/ First, Qwest has promptly implemented every aspect of the redesigned change management plan as soon as it has been agreed upon in the joint CLEC/Qwest redesign process. CMP Declaration at Sections III(B), V(D) and Exhibit DLF-CMP-5 (column 2). Most of the key provisions of the redesigned CMP have been in place for more than six months. They include the following aspects of the CMP Framework: Scope, Meetings, Types of Changes, CLEC and Qwest OSS Interface CR Processing, CLEC Product and Process CR Processing, OSS Interface Release Calendar, Introduction/Change/Retirement of OSS Interfaces,

68/ Final Report, Tests 24, 10, 12-B, 12-C, and 12.8 *see also* OSS Declaration at Section VII(A)(3). The one exception is test criterion 24.3-9, which involved the timeliness of Qwest's responses to customer calls to its systems help desk. Final Report at 542. Qwest has addressed this issue, but KPMG concluded it was "unable to determine" Qwest's satisfaction of this criterion because KPMG did not have the opportunity to evaluate the improvements Qwest made by the close of the test. Final Report at 542 *See* OSS Declaration at ¶ 657.

69/ *Georgia/Louisiana 271 Order*, App. D., ¶ 42. Qwest's prior change management process -- referred to as the Co-Provider Industry Change Management Process (or CICMP) -- has been superseded by the redesigned process. The new plan has been implemented, section by section, as agreement has been reached, beginning in July 2001. Because Qwest is no longer following the old CICMP plan, we do not provide evidence regarding Qwest's pattern of compliance with that plan. We note, however, that under the CICMP, Qwest had been conducting monthly change management meetings and processing change requests for Qwest's systems, products and processes that support the five categories of OSS functionality since 1999. CMP Declaration at ¶ 4.